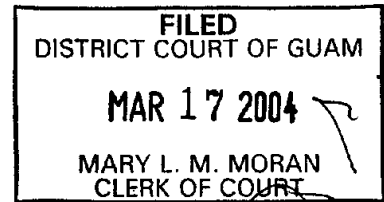


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10 Attorneys for Plaintiff Shell Guam, Inc.

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF GUAM

12 SHELL GUAM, INC.,)
13 a Guam corporation,)
14 Plaintiff,)
15 vs.)
16 F/V PALAU MARU NO. 1,)
17 Defendant,)
18 and)
19 RRG INTERNATIONAL, INC.,)
20 Plaintiff-in-Intervention.)
21
22

CIVIL CASE NO. CIV03-00029

AFFIDAVIT OF STEVEN A. ZAMSKY
IN SUPPORT OF REQUEST FOR
ENTRY OF DEFAULT IN FAVOR OF
PLAINTIFF SHELL GUAM, INC. and
PLAINTIFF-IN-INTERVENTION
RRG INTERNATIONAL, INC.

24 GUAM U.S.A.)
25) ss:
26 MUNICIPALITY OF HAGÁTÑA)
27
28

ORIGINAL

6 STEVEN A. ZAMSKY, being first duly sworn, depose and say as follows:

7 1. I am the attorney of record for Plaintiff Shell Guam, Inc. (hereinafter "**Shell**") herein
8 which is asking that Default be entered in its favor and Plaintiff-in-Intervention RRG International,
9 Inc. (hereinafter "**RRG**") and against Defendant F/V Palau Maru No. 1 (hereinafter "**Defendant**
10 **F/V Palau Maru No. 1**").

11 2. I make this Affidavit pursuant to FRCP Rule 55(a) and in support of the Request
12 for Entry of Default in favor of Shell and RRG filed herewith and for entry of Default Judgment.

13 3. On August 1, 2003 the Verified Complaint *In Rem* and Warrant of Arrest were
14 personally served on the Master of Defendant F/V Palau Maru No. 1, at the Port Authority of
15 Guam, Piti, Guam USA, which is the last known place of business and employment of Defendant
16 F/V Palau Maru No. 1 and on Roberto Ho, the owner's agent, as appears by the returns of service
17 on file herein.

18 4. On August 22, 2003 the Notice of Action and Arrest was published in the Pacific
19 Daily News, a newspaper of general circulation in Guam USA. The Affidavit of publication is on
20 file herein.

21 5. The only party which is known to claim to have an interest in Defendant F/V Palau
22 Maru No. 1 is Robert Ho on behalf of RRG.

23 6. On October 29, 2003 RRG filed its Verified Complaint in Intervention and on
24 November 18, 2003 Shell filed its Answer to RRG's Verified Complaint in Intervention.
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1 Page 3

2 Affidavit of Steven A. Zamsky in Support of Request for Entry of Default
3 in Favor of Plaintiff Shell Guam, Inc. and Plaintiff-in-Intervention RRG International, Inc.
4 Shell Guam, Inc. v. F/V Palau Maru No. 1 and RRG International, Inc.
5 District Court of Guam Civil Case No. CIV03-00029

6 7. On February 18, 2004 Shell and RRG entered into a Settlement Agreement and an
7 Amendment to Settlement Agreement was entered into on March 8, 2004. On February 18, 2004
8 RRG assigned all of its claims against Defendant F/V Palau Maru No. 1 to Shell. A copy of which
9 is attached hereto marked **Exhibit "A"**.

10 8. Defendant F/V Palau Maru No. 1 has not answered or otherwise pled to either of
11 Shell's Verified Complaint or RRG's Complaint in Intervention and the time for Defendant F/V
12 Palau No. 1 to answer or otherwise plead have not been extended.

13 9. Defendant F/V Palau Maru No. 1 is neither an infant nor incompetent person.

14 10. Entry of Default against Defendant F/V Palau Maru No. 1 should be entered as
15 provided in said Rule.
16

17 **FURTHER THE AFFIANT SAYETH NAUGHT.**

18 Dated this 17 day of **March 2004**.

19 
20 **STEVEN A. ZAMSKY, AFFIANT**

21 **SUBSCRIBED AND SWORN** to before me, the undersigned Notary Public, duly sworn
22 and commissioned in and for Guam USA, this 17th day of **March 2004** by **STEVEN A.**
23 **ZAMSKY.**
24

25 
26 Z8(004.695)PLD/P#2130

27 
28 **NOTARY PUBLIC**

MARIE T. CANACHO
NOTARY PUBLIC
In and for Guam USA
My Commission Expires February 10, 2007
My Commission Number: NP/03-0004
Post Office Box 3745 Hagåtña, Guam USA 96932

ASSIGNMENT

RRG International Inc., a Guam corporation, (hereinafter "Assignor") for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby assign, transfer and convey on behalf of itself, its successors and heirs and assigns forever to SHELL GUAM, Inc., a Guam Corporation, (hereinafter "Assignees"), all of its right, title and interest in and to all claims it has against the F/V Palau Maru and which have been, or could be asserted by it in that certain United States District Court of Guam case captioned CIV 03-00029. Assignor to provide reasonable assistance to Assignee with respect to the supporting facts of the claim, should it become necessary and in Assignee's prospective sale of the said vessel.

Dated February 18, 2004.

Assignor:
RRG International, Inc.

By: _____

EXHIBIT "A"

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